FILED

MAY 12 2022

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JOSEPH WARD, by his next friend, et al. *Plaintiffs*	§	
vs.	§	CIVIL ACTION NO. 1:16-cv-00917-LY
CECILE YOUNG, in her official Capacity as Executive Commissioner of Texas Health and Human Services *Defendant*	§	

[redacted]-**SCHEDULING ORDER**

Pursuant to Federal Rule of Civil Procedure 16 and the Court's Order dated April 19, 2022 (Doc. # 138), the parties propose the following scheduling order:

IT IS ORDERED THAT:

1. The parties shall serve updated disclosures under Rule 26 on or before **July 14, 2022**.
2. The parties shall file all amended or supplemental pleadings and shall join additional parties on or before **October 17, 2022**.
3. All parties asserting claims for relief shall file and serve on all other parties their designation of testifying experts and shall serve on all other parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **June 5, 2023**. Parties resisting claims for relief shall file and serve on all other parties their designations of testifying experts and shall serve on all other parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **July 31, 2023**. All designations of rebuttal experts shall be filed and served on all other parties not later than 14 days of receipt of the report of the opposing expert, and the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be served, but not filed, on all other parties on or before **August 14, 2023**.

4. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or before **August 7, 2023**.

5. Any objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony. Plaintiff will submit its objections no later than **August 14, 2023** and Defendant shall submit its objections no later than **June 19, 2023**, or not later than 14 days of the expert's deposition, if a deposition is taken, whichever is later. **The failure to strictly comply with this paragraph will be deemed a waiver of any objection that could have been made pursuant to Federal Rule of Evidence 702.**

6. The parties shall complete discovery on or before **September 29, 2023**. Counsel may, by agreement, continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

7. All dispositive motions shall be filed and served on all other parties on or before **October 30, 2023** and shall be limited to 35 pages. Responses shall be filed and served on all other parties on or before **November 20, 2023** and shall be limited to 35 pages. Any replies shall be filed and served on all other parties on or before **December 11, 2023** and shall be limited to 20 pages, but the Court need not wait for the reply before ruling on the motion.

8. The deadline for filing Rule 26(a)(3) disclosures is February 13, 2024.

9. The deadline for filing objections under Rule (26)(a)(3) is February 29, 2024. Any objections not made will be deemed waived.

10. This case is set for final pretrial conference, in chambers, on the 29th day of March, 2024, at 9:00am and **bench** trial in the month of April 2024. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(f) – (g) regarding matters to be filed in advance of the final pretrial conference.

SIGNED this 17th day of May, 2022.

LEE YEAKEL
UNITED STATES DISTRICT JUDGE

AGREED:

/s/ Beth Mitchell
BETH MITCHELL
State Bar No. 00784613
PETER HOFER
State Bar No. 09777275
LISA SNEAD
State Bar No. 24062204
DISABILITY RIGHTS TEXAS
2222 West Braker Lane
Austin, Texas 78758
(512) 454-4816 (Phone)
(512) 454-3999 (Fax)
bmitchell@drtx.org
phofer@drtx.org
lsnead@drtx.org

COTY MEIBEYER
State Bar No. 24085469
DISABILITY RIGHTS TEXAS
1500 McGowen, Suite 100
Houston, Texas 77004
Texas Bar No. 24052209
(713) 974-7691 (Phone)
(713) 974-7695 (Fax)
cmeibeyer@drtx.org

JOHN MICHAEL GADDIS
State Bar No. 24069747
WINSTON & STRAWN LLP
2121 N. Pearl St., Suite 900
Dallas, Texas 75201
(214) 453-6500 (Phone)
(214) 453-6400 (Fax)
mgaddis@winston.com

ATTORNEYS FOR PLAINTIFFS

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

SHAWN E. COWLES
Deputy Attorney General for Civil Litigation

CHRISTOPHER D. HILTON
Chief - General Litigation Division

/s/ Kimberly Gdula
KIMBERLY GDULA
Attorney-in-Charge
Assistant Attorney General
Office of the Attorney General
General Litigation Division - 019
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 463-2120 (Telephone)
(512) 320-0667 (Facsimile)
kimberly.gdula@oag.texas.gov
christopher.hilton@oag.texas.gov

ATTORNEYS FOR DEFENDANT